

## **REMARKS**

### **STATUS OF CLAIMS**

Claims 3, 9, 19, 21, 28, 30, and 31 are amended. Claims 1, 2, 4-8, and 10-18 are canceled. Claims 3, 9, and 19-31 are pending.

### **NOTICE OF ALLOWANCE**

The Notice of Allowance mailed on December 7, 2005 indicated that only Claims 23-27 had been allowed. However, the Board of Patent Appeals and Interferences (“the BPAI”) reversed the rejections of all of Claims 3, 9, and 19-31. Therefore, all of Claims 3, 9, and 19-31 should have been allowed.

After the decision of the BPAI, Applicants waited for the Examiner to either (A) convert those of the allowable dependent claims which depended from rejected base claims into independent form by examiner’s amendment, or (B) set a 1-month time limit in which Applicants could rewrite the allowable dependent claims in independent form, according to MPEP 1214.06(II). MPEP 1214.06(II) expressly states that where claims stand allowed, the Appellants are “not required to file a reply.” Applicants relied on this statement in the MPEP, which they look to for direction in dealing with the U.S. Patent Office.

Applicants were therefore surprised when, instead of receiving a notice of a 1-month time period in which they could amend the allowable dependent claims to be in independent form, or a Notice of Allowance in which the allowable dependent claims had been placed in independent form by examiner’s amendment, Applicants instead received a Notice of Allowance in which some of the allowable dependent claims had been cancelled by examiner’s amendment. This should not have happened.

## TELEPHONE CONVERSATION

Applicant's Attorney, Christian Nicholes, conversed via telephone with Examiner Chavis on February 8, 2006 (after the mailing of the Notice of Allowance). In the conversation, Examiner Chavis told Applicant's Attorney to file an amendment in which those of the allowable dependent claims which depended from rejected base claims were placed in independent form.

This amendment does so. Applicants hope and expect that the amendments herein will be entered, and that a Supplemental Notice of Allowance, in which all of Claims 3, 9, and 19-31 (the claims held to be allowable by the BPAI) are allowed, will be issued promptly.

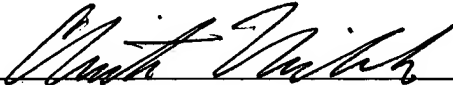
The Examiner is invited to telephone the undersigned at (408) 414-1224 to discuss any issue that may advance prosecution.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Amendment to our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: February 8, 2006

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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 2/8/06 by 